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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/070,712	03/05/2002	Yoshio Tsukahara	OT-4607	2569

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Randy G Henley
Otis Elevator Company
Intellectual Property Department
Ten Farm Springs
Farmington, CT 06032

EXAMINER

CRAWFORD, GENE O

ART UNIT

PAPER NUMBER

3651

DATE MAILED: 06/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/070,712

Applicant(s)

TSUKAHARA ET AL.

Examiner

Gene O. Crawford

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☒ Claim(s) 5 and 6 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Specification

1. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ahls et al. in view of Saito et al.

The escalator step of Ahls et al. includes a tread 34 and a riser 30, the riser extending downward from the rear edge of the step, the riser 30 including a toothed surface made of cleats 40. Ahls et al. does not disclose the broad teaching of providing one or more grooves on the cleats in the longitudinal direction. Saito et al. discloses the broad teaching of providing cleats for the surfaces of an escalator step with one or more grooves in the longitudinal or transverse direction of the cleat surface (figure 7A). It would have been obvious to one of ordinary skill in the art to provide the cleats of Ahls et al. include one or more grooves in the longitudinal direction to facilitate an anti-slip surface and provide strengthening and wear resistance to the top portion of the cleats as taught by Saito et al.

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4. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schoeneweiss in view of Ahls et al.

The escalator step disclosed by Schoeneweiss includes a tread 2 and a non-slip surface 10 including a synthetic resin (column 1, lines 15-17) of a fixed length and prescribed width mounted on the rear edge of the step, the surface 10 being formed with cleats conforming to the tread 2 (column 3, lines 8-9). Schoeneweiss does not disclose the step has a riser. However, Ahls et al. discloses the broad teaching of providing an escalator step having a tread with a riser. It would have been obvious to one of ordinary skill in the art to provide the escalator step of Schoeneweiss with a riser such requiring the mere choice of an art recognized alternate configuration for escalator steps as taught by Ahls et al.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schoeneweiss in view of Ahls et al. as applied to claims 2 and 3 above, and further in view of Saito et al.

With regard to claim 4, Schoeneweiss in view of Ahls et al. includes all the claimed features but does not disclose a serrated irregular part formed on the top surface of the cleats of the non-slip surface. However, Saito et al. discloses the broad teaching of providing cleats for the surfaces of an escalator step with serrated surfaces in the longitudinal or transverse direction of the cleat top surface (figures 2, 3, 7A, 8, 9). It would have been obvious to one of ordinary skill in the art to provide the top surfaces of the cleats of the anti-slip surface of Schoeneweiss in view of Ahls et al. include

serrated surfaces to facilitate an anti-slip surface and provide strengthening and wear resistance to the top portion of the cleats as taught by Saito et al.

Allowable Subject Matter

6. Claims 5 and 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter: an escalator step including the unique features of 'cleats of the non-slip surface being formed to be at a height higher than the tread' and/or 'the non-slip surface being fastened to a reinforcing plate that is fixed within a cleat cutout part of the step' in combination with the rest of the claim language is not taught or fairly suggested by the prior art.

Conclusion

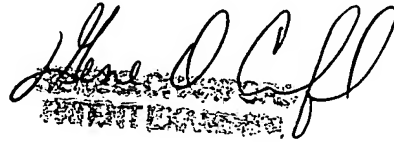
8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following are cited to show the art with respect to escalator steps having cleats and non-slip surface edge portions: Reid and Fischer.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gene O. Crawford whose telephone number is 703/305-9733. The examiner can normally be reached on Monday thru Thursday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Ellis can be reached on 703/308-1113. The fax phone numbers for the organization where this application or proceeding is assigned are 703/305-3597 for regular communications and 703/305-3597 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703/308-1113.

A handwritten signature in cursive script, appearing to read "Chris Ellis", with a horizontal line drawn through it.

gc
June 12, 2003